



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

August 13, 2018

9:30

Calendar No. 18-142:

514 Marquardt Avenue

Ward 3

Kerry McCormack

14 Notices

Cleveland Bricks, owner, proposes to erect a 1,611 square foot, two story, 26 feet tall one family townhouse on a 1,397 square feet City of Cleveland Land Bank lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that in a "B" area district the maximum gross floor area is limited to ½ the lot size or in this case 698.5 square feet and 1611 square feet are proposed. This section also states that a 4800 square foot lot size is required and a 1397 square foot lot is proposed. The Minimum lot width of 40 feet is required and 28 feet are proposed; the minimum street frontage of 25 feet are required and no street frontage is provided.
2. Section 357.09(a) which states that the interior side yard of ¼ height of main building is required and 3 feet are provided.
3. Section 357.08(b) which states that a 26 foot rear yard is required and 5 feet are provided. (Filed June 19, 2018)

9:30

Calendar No. 18-149:

4419 Train Ave.

Ward 3

Kerry McCormack

15 Notices

Train 4411, LLC., owner, proposes to install an 8 foot tall fence in the front, side and rear yard of a parcel located in a B1 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05 of the Cleveland Codified Ordinances which states that fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. This section also states that in actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid. The proposed fence is 8 feet tall. (Filed June 28, 2018)

9:30

Calendar No. 18-150:

3017 West 46 St.

Ward 3

Kerry McCormack

15 Notices

Worldwide Painting, owner, proposes to install an 8 foot tall fence in the front, side and rear yard of a parcel located in a B1 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05 of the Cleveland Codified Ordinances which states that fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent

(50%) open above two (2) feet in height. This section also states that in actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid. The proposed fence is 8 feet tall. (Filed June 28, 2018)

9:30

Calendar No. 18-151: 3021 West 46 Street

**Ward 3
Kerry McCormack
15 Notices**

Train 4411, LLC., owner, proposes to install an 8 foot tall fence in the front, side and rear yard of a parcel located in a B1 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05 of the Cleveland Codified Ordinances which states that fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. This section also states that in actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid. The proposed fence is 8 feet tall. (Filed June 28, 2018)

9:30

**Calendar No. 18-164: 4528 W. 170 St./Waste
Collection Ticket**

**Ward 17
Martin Keane**

Shpend Brahaxhia, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on July 17, 2018 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC00340620 issued June 11, 2018 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed July 17, 2018)

POSTPONED FROM JULY 2, 2018

9:30

**Calendar No. 18-132: 5801 Wetzel Ave./
Violation Notice**

**Ward 13
Kevin Kelley**

Corsendonk LLC., owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V18011479 issued on April 25, 2018 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. (Filed May 23 with Board of Building Standards in error and filed with Board of Zoning Appeals June 4, 2018-No Testimony). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM JULY 2, 2018

9:30

Calendar No. 18-116:

9100 St. Clair Ave.

Ward 9

Kevin Conwell

35 Notices

Beverly Galloway, owner, proposes to construct a new nightclub and restaurant building in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b)(2)(F) which states that establishments for eating/drinking with entertainment are specifically excluded from Local Retail Business District; they are first permitted in General Retail Business District and even in that district must be 500 feet from Residential Districts, day care centers, and churches per Section 347.12(a)(1). The proposed use is adjoining a residential district and a day care center (The Center for Families and Children Wade Park Early Learning Center at 9111 Yale Avenue), and within 500 feet of Mt Pisagh Baptist Church at 8830 St Clair Avenue, Church of Christ at the Blvd at 8837 St. Clair Avenue, and Straight Way Community Church at 9215 St. Clair Avenue.
2. Section 357.01(b) which states that a front yard setback equal to the average of the front setbacks of buildings within 100 feet or in this case, a 10 foot setback is required per 357.06(a).
3. Section 349.04(e) which states that the required parking space area for a nightclub use is three times the gross floor area or in this case 66,600 square feet and 193 parking spaces are provided.
4. Section 358.05(a)(2) states that a fence in the actual front yard shall not exceed 4 feet in height and a 6 foot tall fence is proposed. (Filed May 16, 2018-No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF CPC TO ALLOW FOR DESIGN REVIEW. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM JULY 23, 2018

9:30

Calendar No. 18-156:

1967 W. 54 Street

Ward 15

Matt Zone

14 Notices

Jim Taddeo proposes to erect a 1758 square foot single family house with a detached garage on a Cleveland Land Bank lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot area for a single family dwelling in a 'B' Area district is 4800 square feet and the proposed lot area is approximately 3300 square feet.
2. Section 355.04 (a) which state that the minimum lot width for a single family dwelling in a 'B' Area district is 40 feet and 25 feet are proposed.
3. Section 375.02 which states that no yard or court provided for any building or group of buildings for the purposes of complying with the provisions of the Zoning Code shall be reduced or again considered as the yard or court for any other building or additional construction on the same lot or on another lot.

4. Section 357.09(b)(2)(C) which states that no interior side yard on a lot occupied by a dwelling house shall be less than 8 feet in width for a corner lot, nor less than three feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than 10 feet. However, the width of any such interior side yard shall in no case be less than 6 feet 8 inches and 2 feet 6 inches are proposed.
5. Section 337.23(a) which states that accessory garage building shall be a minimum of 18 inches from all property lines and at least 10 feet from any main building on an adjoining lot. The proposed garage is on a zero lot line and 3 feet 6 inches to a main building on an adjoining lot.
6. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10 feet from a main building on an adjoining lot and the proposed residence is 5 feet 5 inches to the main building on an adjoining lot.
7. Section 341.02 which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed July 2, 2018-Testimony Taken) FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO CLARIFY YARD SIZE ON THE DRAWINGS.